

## ATTORNEY DOCKET NO. 22841-018 PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
NICOLSON et al.	) Customer No.: 20277
MICOLOGIA Ct di.	) Confirmation No.: 6172
Serial No.: 09/640,526	) ) Group Art Unit: 1714
Filed: August 17, 2000	) Examiner: Edward Cain
	)

FOR: EXTENDED WEAR OPHTHALMIC LENS

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is directed to the cited reference(s) listed on the attached PTO-1449. The cited references are believed to be the most relevant known to Applicants and/or Assignee at this time concerning the invention as claimed in the above-captioned patent application. No representation is made or intended that more relevant information does not exist or that the order of presentation of the information in any way reflects their relative pertinence.

Applicant(s) respectfully request(s) that each of the cited information be expressly considered during the prosecution of this application and that the cited reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of each reference is attached.

- [] 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. Thus, no certification or fee is required.
- [X] 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

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- [] b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- [X] c. Please charge the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p). Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
- [] 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) petition(s) that the Information Disclosure Statement be considered. Please charge Deposit Account No. 50-0417 in the amount of \$180.00 for payment of the petition fee. Please credit or debit Deposit Account No. 50-0417 as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached.
  - [] a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - [] b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

Please grant any extension of time deemed necessary for entry of this communication. Please charge any deficient fees, or credit any overpayment of fees associated with this communication to Deposit Account No. 50-0417. A duplicate copy of this communication is attached.

By:

Respectfully submitted,

McDERMOTT, WILL & EMERY

Kenneth L. Cage

Registration No. 26,15

Date: ## 44 6,2607

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INFO	CIT	ATION DISCLOS CATION IN AN PPLICATION	SURE	ATTY. DOCKET NO. 22841-018	ı ı					
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	Α	Another and Bausch and Lomb	(Australia) Pty Lt	erkel J. , Federal Court of Australi d., October 7, 2003, (Pages P-1 –	P-76).					
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	ш	Another and Bausch and Lomb	(Australia) Pty Lte	erkel J., Federal Court of Australia d. October 13, 2003, (Pages P-29	5 – P-359).					
	F	Another and Bausch and Lomb	(Australia) Pty Lte	erkel J., Federal Court of Australia d. October 14, 2003, (Pages P-360	) – P-422).					
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	н	Another and Bausch and Lomb	(Australia) Pty Lt	erkel J., Federal Court of Australia d. October 16, 2003, (Pages P-48	5 – P-563).					
·	I	Spark and Cannon, Transcript Another and Bausch and Lomb	of Proceedings, M (Australia) Pty Lt	erkel J., Federal Court of Australia d. October 17, 2003, (Pages P-564	a, Hearing & Mo 4 – P-644).	tion, Novarti	is AG and			
	J			erkel J., Federal Court of Australia d. October 20, 2003, (Pages P-64		tion, Novarti	is AG and			
	К	Another and Bausch and Lomb	(Australia) Pty Lt	erkel J., Federal Court of Australia d. October 21, 2003, (Pages P-679	9 -P-750), (page	es P1- P5).				
	Ĺ			erkel J., Federal Court of Australia d. October 22, 2003, (Pages P-75		tion, Novarti	is AG and			
		EXAMINER		DATE CONSIDERED						

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE CITATION IN AN APPLICATION					ATTY. DOCKET NO. 22841-018 SERIAL NO. 09/640,526						
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EXAMINER'S INITIALS CITE NO. Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (boo journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country published.							ok, magazino y where	э,			
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	N	Anot	her and Bausch and Lomb	(Australia) Pty Ltd	erkel J., Federal Court of Australia I. October 24, 2003, (Pages P-89	6 <del>–</del> 968).					
	0		er ("construction of the pate -CV-0034-RWS, dated Mar		Court for the Northern District of (	Georgia Gaines	ville Divisio	n, Civil Actio	n		
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	S				, Transcript of Trial Before the Ho eorgia, Atlanta Division, Volume IV				s		
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	W				Transcript of Trial Before the Horeorgia, Atlanta Division, Volume V				5		
	Х	Distr	ict Court Judge for the Nort	them District of Ge	Transcript of Trial Before the Horeorgia, Atlanta Division, Volume D	(, pp 1578 – 17	81, March 2	29, 2004.	<u> </u>		
	Y	CIBA Distr	Vision Corporation v. Bau ict Court Judge for the Nort	isch & Lomb, Inc., them District of Ge	Transcript of Trial Before the Horeorgia, Atlanta Division, Volume X	orable Richard , pp. 1782 – 19	W. Story, U 99, March 3	Inited States 30, 2004.			
	Z				Transcript of Trial Before the Horeorgia, Atlanta Division, Volume X						
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INFO	CIT	ATION DISCLOS ATION IN AN PPLICATION	SURE	ATTY. DOCKET NO. 22841-018 SERIAL NO. 09/640,526						
MAY 0 6 2004	OFFICE .	T LICITION		APPLICANT Paul NICOLSON, et al.						
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	AA	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hon eorgia, Atlanta Division, Volume X	II, pp. 2201 – 2	404, April 1	, 2004.			
	BB	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	III, pp. 2405 - 2	548, April 2	2, 2004.			
	СС	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hon eorgia, Atlanta Division, Volume X	IV, pp. 2549 - 2	769, April 1	13, 2004.			
	DD	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	V, pp. 2770 – 2	989, April 1	14, 2004.			
	EE	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	VI, pp. 2990 - 3	204, April 1	19, 2004.			
	FF	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	VII, pp. 3205	3432, April	20, 2004.			
	GG	District Court Judge for the No	rthern District of G	Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	VIII, pp. 3433 -	3626, April	21, 2004.			
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	11	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X	X, pp. 3866 - 40	072, April 2	3, 2004.			
	JJ	District Court Judge for the No	rthern District of G	, Transcript of Trial Before the Hor eorgia, Atlanta Division, Volume X , Transcript of Trial Before the Hor	XI, pp. 4073 – 4	1303, April	26, 2004.			
	KK	District Court Judge for the No	rthern District of G	, Transcript of That Before the Hor leorgia, Atlanta Division, Volume X , Transcript of Trial Before the Hor	XII, pp. 4304 –	4319, April	27, 2004.			
ļ	L	District Court Judge for the No	rthern District of G	eorgia, Atlanta Division, Volume X	XIII, pp. 4320 -	4456, Apri	il 28, 2004.			
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1 6 E 3	) CIT	ATION DISCLOS CATION IN AN PPLICATION	SURE	ATTY. DOCKET NO. 22841-018						
MAY O 6 ZOU	A OFFICE	PPLICATION		APPLICANT Paul NICOLSON, et al.						
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	MM	Opposition of European Patent	No 0819258 No	vartis AG, et al. by Johnson & John	nson Vision Car	e. Inc., 10	June 2002			
	NN		Inc., Johnson & Jo	hnson Vision Care, Inc., Europear				RAL		
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	SS	RESPONDENTS' REPLY TO 1 LETTERS PATENT NO. 33497	THE APPLICANT': '7, pp. 1 – 9, 23 Ja	-	I AS TO VALID	ITY OF NE	W ZEALANI	D		
	TT	NOTICE OF APPLICATION BY 2003	APPLICANT FO	ovartis AG et al. In the High Court of R DIRECTIONS REGARDING THE	E PROCEEDIN	G, pp. 1 – :	2, 28 Octobe	er _		
	UU	PARTICULARS OF OBJECTION October 2003	ON AS TO VALIDI	ovartis AG et al. In the High Court of TY OF NEW ZEALAND LETTERS	PATENT NO. 3	334977, pp	. 1 – 10, 28			
	Ŵ	PARTICULARS OF OBJECTION October 2003	ON AS TO VALIDI	ovartis AG et al. In the High Court of TY OF NEW ZEALAND LETTERS	PATENT NO. 3	304321, pp	. 1 – 10, 28			
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	YY	George L. Grobe III, et al., SUF	RFACE CHARACT	TERIZATION OF AN OXIDIZED SI	LICONE HYDR	OGEL, 199	4, pp. 43 - 4	17 1		
	ZZ			Notebook, September 7-10, 1994						
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	BBB	Novartis AG et al. v. Bausch & RESPONDENT/CROSS-CLAII August 2003	Lomb (Australia) F MANTS' SUBMISS	Pty. Ltd. et al., In the Federal Cour IONS IN OPPOSITION TO AMEN	t of Australia NDMENT, No	Victoria Distri	ct Registry, pp. 1 - 19,	22			
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	EEE	Novartis AG et al. v. Bausch & STATEMENT OF GROUNDS	Lomb (Australia) F	Pty. Ltd. et al., In the Federal Cour AMENDMENT, No. V81 of 2000, p	t of Australia	Victoria Distri June 2003	ct Registry,				
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	000	John INJU	nson & Johnson Vision Care UNTIVE (sic) RELIEF AND Issonville Division, Case No.	e, Inc. v. Ciba Visi DEMAND FOR JU	on Corporation, CO JRY TRIAL, United	MPLAINT FOR States District	Court Middle Di	ECLARATO Strict of Flo	ORY AND rida	/	
		Jack	sonville Division, Case No.	. 3.03-0 000-3-20	TEW, September 1	7, 2003, pp. 1-	9				
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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.